

Minutes
Regular Council Meeting
November 17, 2015

On this 17th day of November 2015, at 6:00 p.m., the City Council of the City of Devine convened in a Regular Meeting; the same being opened to the public at their regular meeting place; thereof, at City Hall, 303 S. Teel Drive, Devine, Texas. Notice of said Meeting having been prescribed in Chapter 551, Government Code, and Vernon's Texas Codes, Annotated, and the following members being present:

Mayor William L. Herring
Alderman Hal Lance
Alderman Kathy Wilkins
Alderman Steve A. Lopez
Alderman David Valdez
Alderman David Espinosa

Thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; Dora V. Rodriguez, Assistant City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; Rob Flores, Police Chief; Kandy Benavides, Lieutenant; Chris Andrews, Sergeant; Officer J.D. May; Officer Clinton Schmelzer, and Officer Marcus Alexander – Devine Police Department; Ismael Carrillo, Superintendent of Public Works; Pete Sanchez, Simon Davila, Benny Navarro, Johnny Davis, Stephen Winters, Russell Crossland, Robert Keylich, and Don Leverich – Public Works; Juanita Carrillo, Ofilia Pedroza, Joanna Muniz and Celina Rodriguez – City Office Staff.

Others present: Marly Davis, Devine News; Brandy Perez, John Brown and Margaret Centilli – Devine Little League; Rick Campsey, Charles S. Cupp, T.J. Richardson, Jim Lawler, David Rodriguez, Donny R. Whitaker, Sonia J. Lance and Frank Cortinez, of Devine, Texas.

Mayor Herring, presiding, called the meeting to order. Mayor Herring also delivered the Invocation and Alderman Lopez led the Pledge of Allegiance.

The first order of business was the Visitor/Citizens Forum.

Ms. Brandy Perez addressed City Council and introduced herself as the Treasurer for the Devine Little League. She reported to Council that the Devine Little League has its charter back. She told Council, “We are LLC, we’re incorporated, and we’re in good standing with everything. We pay our dues to the IRS; we’re just finishing filing our taxes with the IRS from last year’s statements. So we have everything back; we are incorporated. Like I said, we have our insurance and we’re good to go.”

Mayor Herring thanked her and told her all she needs to do now is to just bring in a copy of everything and told her to have Barbara Lestourgeon give us a call, and everything will be good to go.

The second order of business was Recognition.

Regular Meeting Minutes
November 17, 2015
Page 2

Mayor Herring recognized all the city employees who were present including the police officers and thanked them all for being at the meeting. He also congratulated all the veterans for all of their services.

The third order of business was to discuss and consider Approval of Minutes: Regular Meeting, October 20, 2015 and Special Meeting, November 12, 2015.

Council reviewed minutes.

Motion by Alderman Valdez, seconded by Alderman Lopez to approve the minutes for Regular Meeting, October 20, 2015 and Special Meeting, November 12, 2015.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider the election of Mamie Navarro to the Board of Directors for the Medina County Appraisal District using the Official Ballot and Resolution of the Medina County Appraisal District.

Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to Approve Resolution and cast all 92 votes to elect Mamie Navarro to the Board of Directors for the Appraisal District of Medina County for the years 2016-2017.

Resolution 11-15 attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider request of Edmundo Martinez, Jr. for permission to live in RV temporarily while his home is under construction at 1211 Devine Drive, Devine, Texas.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve variance request from Edmundo Martinez, Jr. and grant permission for a 60-day extension to live in RV temporarily while his home is under construction at 1211 Devine Drive, Devine, Texas, for a variance of 60 days.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
November 17, 2015
Page 3

The sixth order of business was **Public Hearing:** Discuss and consider the Final Report of the Planning & Zoning Commission for a zoning classification change of approximately 11 acres of land located between County Road 774 and N. State Highway 132, from Class A. Single-Family Residence District to Class I. Light Industrial District which is proposed to include any or all properties described as follows: 127 W. Colonial Parkway (R6086); Colonial Parkway – 1.50 acres (R62355); 201 N. State Highway 132 (R2361); 240 CR 774 (R2345); 205 N. State Highway 132 (R2332); and 300 CR 774 – (R2349).

Mayor Herring declared the Public Hearing open to the public at 6:10 p.m., and asked if anyone had any comments.

No one from the floor had any comments.

At 6:12 p.m., Mayor Herring closed the Public Hearing.

The seventh order of business was to Discuss and consider Adoption of Ordinance to change the zoning classification of approximately 11 acres of land located between County Road 774 and N. State Highway 132, from Class A. Single-Family Residence District to Class I. Light Industrial District which is proposed to include any or all properties described as follows: 127 W. Colonial Parkway (R6086); Colonial Parkway – 1.50 acres (R62355); 201 N. State Highway 132 (R2361); 240 CR 774 (R2345); 205 N. State Highway 132 (R2332); and 300 CR 774 – (R2349).

Motion by Alderman Valdez, seconded by Alderman Lopez to Adopt Ordinance to change the zoning classification of approximately 11 acres of land located between County Road 774 and N. State Highway 132, from Class A. Single-Family Residence District to Class I. Light Industrial District which is proposed to include any or all properties described as follows: 127 W. Colonial Parkway (R6086); Colonial Parkway – 1.50 acres (R62355); 201 N. State Highway 132 (R2361); 240 CR 774 (R2345); 205 N. State Highway 132 (R2332); and 300 CR 774 – (R2349).

Ordinance 11-15A attached at Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to discuss the duties of the City Administrator. (Personnel Matter) Pursuant to Section §551.074 Texas Government Code, this agenda item may be held in Executive Session to deliberate the duties of the City Administrator. An Executive Session will not be held if the City Administrator requests a public hearing.

Mayor Herring read aloud from the City of Devine Code of Ordinances Book **Sec. 2-103. Powers and Duties** of the City Administrator. No action was required by Council. City Administrator Gary Pelech requested a Closed Session.

Regular Meeting Minutes
November 17, 2015
Page 4

Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to enter into an Executive Session to deliberate the duties of the City Administrator.

Ayes	--	All
Nays	--	None

Motion carried.

At 6:17 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session. At 6:35 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

The ninth order of business was to Reconvene into Regular Session and consider Action, if any, on items discussed in Executive Session.

Mayor Herring read aloud, again, the Powers and Duties of the City Administrator from the City of Devine Code of Ordinances Book because he wanted to emphasize #3 – “To appoint and remove, with the approval of Council, all heads of departments and to have the power to appoint and remove all subordinate employees.” He explained this meant that City Administrator Gary Pelech would have the right to make a recommendation on people we vote on as far as department heads.

The tenth order of business was Unfinished Business.

- A. Hiring of person for Police Chief's position.
(Personnel Matter) Pursuant to Section §551.074 Texas Government Code, this agenda item may be held in Executive Session to deliberate the appointment of a person for the Police Chief's position. An Executive Session will not be held if the person who is subject of the deliberation requests a public hearing.

In addition, an Executive Session may be held during this agenda item pursuant to Section §551.071(2) of the Texas Government Code for the City Council to consult with the city attorney because this item involves a matter in which the duty of the city attorney to the Devine City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

- B. Hiring of person for Director of Public Works' position.
(Personnel Matter) Pursuant to Section §551.074 Texas Government Code, this agenda item may be held in Executive Session to deliberate the appointment of a person for the Director of Public Works' position. An Executive Session will not be held if the person who is subject of the deliberation requests a public hearing.

Regular Meeting Minutes
November 17, 2015
Page 5

In addition, an Executive Session may be held during this agenda item pursuant to Section §551.071(2) of the Texas Government Code for the City Council to consult with the city attorney because this item involves a matter in which the duty of the city attorney to the Devine City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

Mayor Herring announced that both items under Unfinished Business: A. Hiring of Person for Police Chief's position and B. Hiring of person for Director of Public Works' position were tabled previously, so before Council could have any discussion, he asked for a motion to un-table these items.

Motion by Alderman Lopez, seconded by Alderman Espinosa to un-table Item A. Hiring of Person for Police Chief's position and B. Hiring of Person for Director of Public Works' position.

Ayes	--	All
Nays	--	None

Motion carried.

Mayor Herring read aloud more of the City of Devine Code of Ordinances, **Sec. 2-103. Powers and duties** of the City Administrator. He said this applied both to the City Administrator and the Council: "Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from office by the City Administrator or by any of his subordinates. However, the Council may consult and advise the City Administrator, make inquiries regarding appointment or removal, and may express their opinion in regard thereto. In regard to the administrative and executive duties under the jurisdiction of the City Administrator, the Council and its members shall deal solely through the City Administrator and neither the Council nor any member thereof shall give orders to any subordinate of the City Administrator, either privately or publicly. Any willful violation of the foregoing provision by any member of the Council shall constitute official misconduct."

Mayor Herring then asked City Administrator Gary Pelech if he had a recommendation for A. Hiring of person for Police Chief's position.

City Administrator Gary Pelech then told Council that his recommendation is to appoint Lieutenant Kandy Benavides to the Police Chief's position. He told Council that she has a stellar record, and stated "She's got 32 years of service; she's not only earned it; she deserves it."

Motion by Alderman Lopez, seconded by Alderman Lance to hire Lieutenant Kandy Benavides as Police Chief for the City of Devine.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
November 17, 2015
Page 6

Mayor Herring then asked City Administrator Gary Pelech for his recommendation of B. Hiring of person for Director of Public Works' position.

City Administrator Gary Pelech then recommended to Council to hire Ismael Carrillo. He stated "He's got over 30 years of experience, he is highly qualified and has no blemishes on his record at all. I strongly recommend Ismael Carrillo."

Motion by Alderman Valdez, seconded by Alderwoman Wilkins to hire Ismael Carrillo for the position of Director of Public Works.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was Informational Items.

- Mayor Herring recognized Veterans Day.
- VFW News: Alderman Lopez announced that the Voice of Democracy is in Kerrville right now being evaluated.
- Six months is the standard procedure for the hiring of the positions for the Police Chief and Director of Public Works.
- The applications for the position of Police Chief and Director of Public Works will remain on file for one year.

There being no further business to come before the governing body, motion made by Alderman Lance, seconded by Alderman Lopez to adjourn the meeting.

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary